

1 Shawn Talbot Rice
 2 PO Box 700#81
 3 Yavapai county
 4 Ash Fork 86320
 5 Arizona
 6 In Propria Persona
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UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,)	
Plaintiff,)	Case No.: 2:09-CR-078
vs.)	
12 SAMUEL DAVIS and)	MANDATORY JUDICIAL NOTICE OF
SHAWN RICE,)	STATUS RELATION OF SIMPE
Defendants.)	CORPORATION SOLE TO ITS TITULAR
13 SHAWN RICE,)	HEAD WITH POINTS AND
Counter-Plaintiff/Claimant,)	AUTHORITIES
vs.)	
14 UNITED STATES OF AMERICA,)	
INTERNATIONAL MONETARY FUND)	
(I.M.F.) A/K/A THE FUND, FEDERAL)	
BUREAU OF INVESTIGATION, and THEIR)	
PRINCIPAL,)	
Counter-defendants/Libelants,)	
15 Shawn Rice, Real Party in Interest, Third Party)	
Intervener, Protected Creditor to Plaintiff by)	
revesting title, Sovereign without subjects,)	
Protected Creditor pursuant to UCC 8, Trust)	
Interest Holder, and Beneficial Owner of the)	
Estate by Statute Merchant, and a Title 18)	
Section 245 Federally Protected Legal &)	
Lawful Municipality.)	

12
 13 Real Party in Interest (RPII) appears specially and not generally and notices the court of
 14 the status relation between SIMPE Corp Sole and its titular head property rights in relation
 15 therein.

16 In the Massachusetts case of The Overseers of the Poor of the City of Boston v. David
 17 Sears, 39 Mass (2 Pick) 122 at 128 (1839) the Massachusetts Supreme Court there described
 090923 -- [Notice of Misrepresentation of Material Facts by AUSA 090923], Page 1 of 5

1 some of the distinguishing aspects between a corporation sole and corporation aggregate as
 2 follows:

3 “...In all these aspects, the distinction between an aggregate and sole corporation,
 4 growing out of the different modes of constitution and forms of action, is striking and
 5 obvious. A bishop or parsons acting in a corporate capacity and holding property to him and
 6 his successor in right of office, has no need of a corporate name, he requires no particular, he
 7 performs all legal acts under his own seal, In his own name and name of office; his own will
 8 alone regulates his acts and he has no occasion for a secretary, for he need not keep a record
 9 of his acts, need no treasurer, for he has no personal property except the rents and proceeds
 10 of the corporate estate, and these he takes to his own use when received. By-laws are
 11 unnecessary, for he regulates his own action, by his own will and judgment, like any other
 12 individual acting in his own right. But it is not necessary to pursue the comparison into all its
 13 details; the points suggested are sufficient to show the legal distinctions between the two
 14 classes of corporations.”

15 The Overseers case was decided in 1839. In a more recent decision in 1983, the
 16 California Second Appellate District decided County of San Luis Obispo v. Delmar Ashurst, 146
 17 Cal.App.3d 380, 194 Cal.Rptr. 5 (1983) wherein it insightfully stated:

19 “...The issue as defined by the trial court, ‘is whether the assets of its corporation sole are
 20 the personal assets of its titular head, and thus subject to execution for his or her debts.’ The
 21 answer on the basis of legal authorities defining the corporation sole and its attributes must
 22 be, as the trial court concluded, an unequivocal ‘no.’ The corporation sole is a venerable
 23 creation of the common law of England, and is well established under common law in
 24 California. (Santillan v. Moses (1850) 1 Cal. 92; Archbishop v. Shipman (1889) 79 Cal. 283.
 25 California by statute has legitimized this tradition and regulates the formalities attendant
 26 upon the creation and continued existence of the corporation sole (California Corp. Code
 27 Section 10000 et. seq.). One principal purpose of the corporation sole is to insure the
 28 continuation of ownership [quiet possession given by God under Abrahamic Covenant]
 29 dedicated to the benefit of a religious organization which may be held in the name of the
 30 titular head [The Office]. Title [quiet possession by inheritance from God] will not then be
 31 divested or passed to that person’s heirs upon the death of the office holder but will be
 32 retained for the benefit of the religious group and passed to the successors to his office.

33 The topic was covered by Blackstone who described the corporation sole as follows:

35 “Corporation sole consist of one person only and his successors, in some particular
 36 station, who are incorporated by law, in order to give them some legal capacities and
 37 advantages, particularly that of perpetuity, which in their natural persons they could not have
 38 had. In this sense the king is a corporation sole; so is a bishop; some are deans, prebendaries,
 39 distinct from their several chapters; and so is every parson and vicar. And the necessity of at
 40 least use, of this institution will be very apparent, if we consider the case of a parson of a

1 church. At the original endowment of parish churches, the freehold of the church, the
 2 churchyard, the parsonage house, the globe, and the tithes of the parish, were vested in the
 3 then parson by the bounty of the donor, as a temporal recompense to the intent that the same
 4 emoluments should afterwards continue as a recompense for the care. But how was this to be
 5 effected? The freehold was vested in the parson; and, if we suppose it vested in his natural
 6 capacity, on his death it might descend to his heir, and would be liable to his debts and
 7 encumbrances; or at best, the heir might be compellable, at some trouble and expense, to
 8 convey these rights to the succeeding incumbent. The law therefore has wisely ordained, that
 9 the parson, quatenus (as) parson, shall never die, any more than the king; by making him and
 10 his successors a corporation. By which means all the original rights of the parsonage are
 11 preserved entire to the successor; for the present incumbent, and his predecessor who lived
 12 seven centuries ago, are in law one and the same person; and what was given to the one was
 13 given to the other also." (1 Blackstone's Commentaries, Ch 18, pp. 469-470).

14
 15 The Vatican gave formal approval to the corporation sole as one of the approved methods
 16 of holding title to church property in a private letter sent to the American bishops in 1911.
 17 For the text, see 2T. Bouscaren, Canon Law Digest 443 (1966) A. Maida & N. Cafardl,
 18 Church Finances and Church Related Corporations 129 (1986).

19 "The office of bishop in most dioceses in the U.S. is a corporation sole." 4 New Catholic
 20 Encyclopedia, Corporation 337 (1967). A current review as of 1988 reveals approximately
 21 one-third of the diocesan bishops are corporations sole. The remainder of the dioceses have
 22 small boards, usually appointed by the bishop. See Maitland, The Corporation Sole, 16 Law
 23 Quarterly Review 335 (1900), reprinted in F. Maitland, Selected Essays 73 (1936). There is
 24 however a biography entitled Corporation Sole, a life of Cardinal Mundelain, see E.
 25 Kantowicz, The Corporation Sole (1983).

26 In 1985 the State of Nevada had its own statutes regarding corporation sole at Nevada
 27 Revised Statutes Section 84.010-080.

28 The doctrine of comity involves the recognition that one sovereignty allows within the
 29 territory to the legislative, executive, or judicial act of another sovereignty, having due regard for
 30 its own citizens. In general, the principle of comity is that the courts of one state or jurisdiction

1 will give effect to the laws and judicial decisions of another state or jurisdiction, not as a matter
 2 of obligation, but out of deference and mutual respect. Brown v. Babbit Ford, Inc., 117 Ariz.
 3 192, 571, P.2d 689, 685. Although the term "comity" is defined in Black's Law Dictionary 6th
 4 ed. (1991) at page 267, the question is by no means clear whether each state, county, or other
 5 political subdivision thereof will automatically recognize a corporation sole acknowledged by
 6 the Nevada Secretary of State, or any other State.

7 In the relation herein, SIMPE Corp, was originally filed in Washington State (1998),
 8 Arizona (1998), and California (2009).

9 And, in the relation between Shawn Rice and SIMPE Corp is one of eleemosynary,
 10 religious office holder with a separation of assets between the corporation sole and its titular
 11 head/office holder. Therein, the liabilities, duties, and rights are also separate in the court, case
 12 no. 2:09-CR-078.

13 RESPECTFULLY SUBMITTED this 25 September, 2009.

14 

15 Shawn Talbot Rice
 16 Shawn Talbot Rice, Real Party in Interest,
 17 Third Party Intervener, Protected Creditor to
 18 Plaintiff by revesting title, Sovereign without
 19 subjects, Protected Creditor pursuant to UCC 8,
 20 Trust Interest Holder, and Beneficial Owner
 21 of the Estate by Statute Merchant, and a Title 18
 22 Section 245 Federally Protected Legal & Lawful Municipality.
 23

1 **CERTIFICATE OF SERVICE**

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3 COPY of the forgoing hand delivered, this 10 day of October, 2009, to:

4
5 Assistant U. S. Attorney Eric Johnson
6 333 Las Vegas Blvd. South, Suite 5000
7 Las Vegas, Nevada 89101
8 Phone: 702-388-6336
9 Fax: 702-388-5087

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11
12
13 Service performed by:

14
15 Shawn Talbot Rice
16 PO Box 700#81
17 Yavapai county
18 Ash Fork 86320
19 Arizona